1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

man with whom she is involved is punished just as was the first convicted offender. If she has been publicly exposed several times as a prostitute, the men of her *bone* kidnap her, carry her into the mountains, and there kill her and hide her body. No notice is taken of her absence, and if the councillors hear about the affair they pretend not to have done so. 623 692 684

If a woman catches her husband in the act of adultery with another woman, she ordinarily goes back to her own people and tells them of it. The men of her family, her father, brothers, or paternal uncle, may bring the matter up before the councillors and have the husband fined and divorced. In many cases, however, the men of her *vein* persuade the woman to do nothing about it, thinking that to make a commotion would only cause the disruption of the *bone*. In case the woman has married outside her *bone*, whether or not action takes place depends largely upon the respect which her own *bone* has for that of her husband. In any case, the sacramental defilement of the man is not considered as great as that of the woman in the opposite situation.

Blood money. Although murders, woundings, and adultery caught in the act are offenses beyond the jurisdiction of the council of the great and are relegated to the tribal council, one consequence of them falls directly upon the councillors. This is the assessment and collection of the *diith*, or blood money. Whereas the tribal council has the right to impose the fine, the council of the great has charge of compensation to the injured family. This takes place after the tribal council has finished its judgment and punishment. Murder is atoned for by the payment of a sum between one and five hundred dollars. The amount varies from *canton* to *canton*, but within a *canton* is constant and inflexible. Wounds are paid for at the rate of twenty-five dollars a month for each month of convalescence, until the injured man is able to work again. 623 692 681

The man who committed the crime pays, if he is able. If he is unable to raise the money by selling his property, the *bone* pays. In some *bones* the group as a whole always pays, whether the guilty one is able to raise the money or not; in others a man other than the guilty one pays, with the understanding that he is to receive the total of the next blood-money payment to his *bone*. 681

In the *bones* which pay individually, receipts are given to the children of the deceased, and if he left no children, to his father. Children receive the money on the basis that one boy is equal to two girls. If the deceased leaves neither children nor father, it is divided among the members of the *bone*. Many *bones* refuse altogether to receive blood money, preferring to take it out in blood by killing a member of the hostile *bone*, in which case, after the punishment of the tribal council is finished, the account is considered by the councillors as settled. Frequently the injured *bone* accepts the blood money, then suffers a revulsion of feeling and takes blood vengeance in addition, in which case it is required to return the payment. 681 628

Murders within the *bone* rarely occur, and are considered unnatural crimes. No blood money is assessed, because such an offender is instantly killed by his own people if he is unable to escape. A man fleeing such a crime will not be harbored by any Riffian, and must continue until he has left the Rif altogether. Even in this case he must take care to go to some place to which Riffians do not ordinarily travel, lest revenge overtake him later. 674 682

Attending weddings outside the canton. Another duty of the council of the great, this time of a bloodless nature, is to attend weddings of other councillors or their sons in other *cantons* or *fifths*. This is done in order to foster friendly relations between the two groups. 623

1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

623 The councillors go in a body, taking with them twenty or more girls adept at singing and dancing, hired musicians, a bull or cow, two or three mules laden with bread, and quantities of tea, sugar, and candles. The cost of the presents and the fees of the musicians are paid out of money collected in fines.

DUTIES OF THE TRIBAL COUNCIL

646 692 The task of the tribal council is to render judgment, exact fines, and destroy property in cases of adultery caught in the act, murder, and woundings; to make decisions as to tribal alliances in warfare; and to interfere with internal fights in other tribes.

Adultery caught in the act. A husband who surprises his wife in the act of adultery has 684 the traditional privilege of killing the man, removing his genitals and placing them in the mouth of his corpse, killing his wife, and ripping her from pubis to diaphragm with a knife. 837 This action is a privilege and not a duty. Many husbands are physically unable to do so; others are disinclined; still others mutilate their wives by cutting off the fleshy parts of their noses and let them go. One instance is known in Gzennaya of a man who thrust live coals into his wife's vagina and then released her. In at least half the cases, recently at any rate, no revenge is taken on the woman, her divorce and disgrace being considered ample punishment.

646 When the members of the tribal council hear of this event, they leave whatever they are doing and go as rapidly as possible to the adulterer's house. This they burn; they impose a 684 fine of one thousand dollars or thereabouts, depending on the usage of the tribe, and on the importance of the *bone*. The fine is accepted either in cash, livestock, land, or in all three. 692 When land and livestock are taken they are sold on the spot, not by bidding but by arbitrary prices, fair to the victim, placed on each animal or portion of land. If the proceeds of the sale exceed the amount of the fine, the balance is returned to the *bone* of the adulterer. If the adulterer and the adulteress belong to different *bones* the burden of the fine is shared between the *bones*. If the adulterer has survived the vengeance of the injured man he must T586 leave the tribe forever. Women who survive go back to their families, forcibly divorced and forbidden to marry again.

After the cash of the fine is in hand, it is divided among the *fifths*, each receiving an 684 equal share, to be divided evenly among each *canton* composing the *fifth*. Thus the *canton* of the offenders receives back a portion of the money which some of its members have paid. It often refuses to accept this, in which case the money goes to the actual payers. *Cantons* friendly with that of the adulterer may likewise refuse to accept, and their money too is returned.

646 692 683 *Wounding.* When one man wounds another, the tribal council comes to the offender's house and exacts a fine of five hundred dollars after questioning the councillor or councillors belonging to the offending *bone*. The fine is always paid by the *bone* as a whole, whether the blood money is or not.

646 692 682 621 *Murder.* When one man murders another, whether or not in retaliation for a previous murder, the tribal council comes to his house, which it burns, providing it dares to. It cuts down the fruit trees and inflicts a fine of a thousand dollars. If the man and his *bone* refuse to pay the fine and resist the burning of the house or the cutting of the trees, the members of the tribal council attack them. This fight may last anywhere from a half hour to several months, and may turn into a war. If the *bone* which has refused has no allies, it seldom wins,

1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

but there are few *bones* without allies. The allies in the tribal council draw apart as inconspicuously and as quickly as possible and start shooting at the rest of the tribal council. The *bone* which has refused sends messengers to talk with various councillors and to persuade them to join their side, promising money and women. In this way there are generally two sides fighting each other before the day is over, and they stay there and fight until one side has won. If the tribal council wins and succeeds in burning the house of the murderer, it burns the rest of the houses of the *bone* as well, and cuts down as many of its trees as it desires.

The *bone* then flees in a body to another *fifth*, to another tribe, or out of the Rif entirely. If the members, thinking already of vengeance, cannot stand the sight of their trees being cut down and their houses being caved in, they select a bull from the herd which they are driving into exile with them and entrust it to the leader of the mosque or to a student, who leads it back into the presence of the tribal council and slaughters it there. If this is done the tribal council is compelled to let them go back again and to permit them to pay the fine. Once the bull is slaughtered the tree-cutting and other destruction must cease. Many *bones* are too proud either to pay or to send a bull, so that they become destitute and homeless through their pride, providing they are not strong enough to defend themselves against the tribal council.

A *bone* may thus be expelled from a tribe, permanently or temporarily. A *bone* which is continually making trouble and causing feuds may be the subject of a special meeting of the tribal council, which decides to exile it from the tribe either permanently or for a given number of years. Killing people on Mohammedan feast days or during the month of Ramadan is one of the strongest reasons for the expulsion of a *bone*.

This habit of exiling *bones* has been going on for so long that there are today numerous colonies of exiled Riffians living outside the Rif. Such are colonies of Beni Urriaghel in Oran and in Tangier; of Beni Amart in Ain Leuh, on the Wergha; of Beni Amart and Beni Hadifa at Armeila, on Wed Teheris; of Beni Tuzin at Zerhoun; of Temjunt of Gzennaya in Ain Mediuna (Beni Gzin); of Beni Yunes of Gzennaya at el Kob, in the Senhajan tribe of Beni Ulid; and the Ulad Abd el Mumen of Iherrushen of Gzennaya at el Mta outside of Fez. Most of these exiles could now go back if they so wished, but they have been away for so long, in many cases for generations, that they no longer have any desire to return.

Sometimes a murder spreads into a feud and from a feud into a war so rapidly that before a tribal council can come together to deliberate the councillors find themselves fighting on one side or another, in a tribal war.

Murder often leads to immediate revenge, and immediate revenge to a feud between *bones*. The feud may be a bitter one, in fact a pitched battle, in which may join other *bones* allied of old to one or other of the principal combatants. Most allies, however, are made anew on the occasion of each war. An alliance is called *liff*; it belongs more properly under the heading of magic than under that of political organization, but must be discussed at this point if the complexities of Riffian warfare are to be understood.

A *liff* is a shame-compulsion laid by one *bone* on another, a magical act which forces the second *bone* into alliance with, or at least toleration of, the other. By making *liff* with a number of other *bones*, a *bone* may increase its fighting force many times, and by both sides industriously making *liff* with others, a general war starts, in which there may not remain enough of the tribal council to make its convening worth while.

1: Coon E-5 (1926-1927) 1931 MX3 Rif MX3

304 Preceptor of Taghzuth: Taghzuth and Ktama.

875 Preceptor of Beni Bu Nsar: Beni Bu Nsar, Beni Khennus, and Beni Seddath.

In the rest of the region in which circumcision is performed by preceptors, all are local or resident. Preceptors build up reputations for dexterity in their trade, and their clientele of families grows or shrinks like that of family doctors. There are some families of Ajdir who send for the preceptor of Iherrushen instead of employing their own local practitioner, merely out of personal preference. Hence, due to the individual nature of the choice, the routes of the itinerant ones vary, while the distribution of the local ones remains the same.

304 In other tribes an illiterate man is employed. He performs the circumcision from the secular point of view of earning his living, rather than as an act of religious or magical virtue, as in the case of the preceptor. The lay practitioner is called by the name *akovani*, which means "illiterate" but has acquired the specialized meaning of "circumcisor" as well. The *akovani* is employed by the Kebdana, Metalsa, Beni Bu Yahyi, Galiya, Bokoya, Beni Itteft, Beni Bu Frah, Mestassa, Mtiwa, Beni Bu Shibet. The Arabs of the plains normally use the *akovani*. In Fez, however, a preceptor is employed, as in the central Rif.

852 The preceptor when called to perform the operation, puts up a white flag on the roof of
304 the house before he enters it, leaving the flag there until the operation is over and he is ready to depart. He takes eight to ten students with him, whose business it is to read the Koran aloud while he is working.

The preceptor and his students enter a special room, taking with them the boy, who has just been washed by his mother. The parents of the child, all women, and all illiterate men are excluded from the room during the operation.

The preceptor greases the foreskin and gland with butter until all is soft and pliant, puts a goat dropping inside the foreskin, which he twists around over it, and cuts off the foreskin with scissors, in such a way that the goat dropping is cut in two during the process.

Then he takes two eggs, the shells of which have been cracked and the whites of which have been drawn off, and thrusts the penis through holes in the shells into the yolks of both. It is said that this is done to cauterize the wound, and any magical significance which this action may imply is probably forgotten. After this has been done an old woman, preferably the child's grandmother, enters and picks the child up, taking him out on her back.

After the operation the preceptor and his students are given a great feast to which many guests are invited.

On account of the danger of infection circumcising is a dangerous practice, and the number of practitioners is few. During the hegemony of Abd el Krim, the preceptor of Ajdir once cut off the end of the gland of a child he was circumcising. If it had not been for
[682] the intervention of Abd el Krim, who assessed five hundred dollars blood money, the preceptor would surely have been killed, since the child died shortly after the accident. On account of this incident many families of Ajdir call in the preceptor of Iherrushen, as has been previously noted.

304 The *akovani* is a different type of person from the preceptor. He is a rough, unlettered fellow, occupying a social position which, while not definitely degraded and certainly higher than that of blacksmiths and market-criers, is yet lower than that of the ordinary farmer. His occupation does not, however, imply Negro blood, and does not carry any social restrictions with it.

581 the community at large expect various benefits. For marriage is a
585 good thing, approved of by religion and contributing to the happiness and comfort of life. If a person in travelling comes to a village where a wedding is going on, he should stop there overnight (Andjra) or at any rate join in the feast (Ulad [10] Bu'aziz, Ait Waryager), and it is bad fal if he does not do so; and the same applies to other feasts besides weddings. These beliefs may spring from a feeling that a person should not miss the opportunity to be present on a blessed or joyful occasion—it is in particular good fal if the host invites the traveller to stay over the whole occasion. But there may also be another reason for it, which suggested itself when I discussed the matter with a native informant: a gathering of happy people may have a tendency to throw off the bas, which is then floating about and liable to affect the passer-by. Some consider it bad fal to meet a party of people who are making merry (Andjra, Shawia). So also the contrary belief that it is good fal to meet a funeral (Shawia, Tangier, Andjra, Ait Waryager, Temsaman) might be explained by the tendency of the latter to attract the bas; the person who meets it will live long (Tangier).

783 Manslayers are unclean.

755 [11] Feigned stabbing by a homicide is a very widespread cure for stinging pain, in Arabic called nahsa, nogza, bab, or biban, among the Igliwa nnahst or nnogzt, among the Ait Warain tauwurt, among the Ait Waryager dauwort. In the last-mentioned tribe ashes are put on the part of the body where the pain is felt, and the homicide then pretends to stab it with his dagger seven times, every alternate time touching the flesh.

783 [12] The uncleanness of a manslayer is not merely due to the
775 blood pollution but also to his sin. Among the Rifians of the Ait
682 Waryager an ordinary manslayer is not considered unclean, nor is he blamed for his deed. They admit that murder was forbidden by the Prophet and that a murderer will go to hell; but if he says his prayers and gives alms and invites scribes to recite the Koran he is likely to get rid of his sin, and besides, a Rifian is not much afraid of hell.
884 Whatever religion may say on the matter, a man who has not taken
682 anybody's life before he is married is not considered a man. When a young fellow has for the first time killed a person he goes to the next market at the head of his family, dressed in his best clothes

884 and wearing a new bag (dajbirt); and he wears it not on his left side,
682 as usual, but on his right, to announce to all the people what he has done and to show that now he is a man. This is done whether the homicide took place in revenge or not. But though ordinary homicide
682 is admired, it is considered very bad to kill a scribe without sufficient reason because of his knowledge of the Koran, and it is also considered bad, though not in the same degree, to kill an unoffending shereef on account of his holy parentage; and if a man who has committed either of these cribes slaughters an animal, its meat will be difficult to digest. This indicates that the taboos imposed on manslayers have something to do with the moral side of the matter. And the same is obvious from the general view that it is neither sinful nor polluting to kill in war.

In other cases also wrongdoing contains magic energy productive
777 of evil.
789 [13] If the first person you meet in the morning when you set out
826 on a journey is one who does not observe his daily prayers, the best thing you can do is to turn back (Ait Waryager).

In Dukkala it is said that if a one-eyed person, a perfectly bald-headed person, and an albino meet in a boat it will not move.

The Ait Waryager say that the same will happen if a man who is blind, one who is bald, and one who has a sore under-lip meet on board a vessel.

[14] It is good fal for a man to have much hair on his chest (Hiaina, Andjra, Ait Waryager), evidently because it suggests strength; such hair is called s-sa'r de s-sbo'a, or "lion's hair".

777 [17] In Andjra, if anybody who is carrying something black meets
822 another person, he must put down what he is carrying while the other
789 one is passing; otherwise the latter will not pass at all but turn back, lest he should have some misfortune on that day. A similar custom prevails among the Shloh of Aglu and Glawi and among the Rifians of the Ait Waryager; the person who is carrying the black object says when he puts it down, Hasak, or if he addresses more than one person, Hasakum, "With your permission", to which the answer is, 'Azk allah (in Rifian 'azzek allah), or if the person to whom it is said is a woman, 'Azkem allah, corresponding to our "pray".

789 [18] There are other cases in which people make use of the colour
822 black for their own benefit. It is used as a charm against the evil eye,
755

3:Hart E-5 (1953-1954)1954 MX3 Rif MX3

Although a *jājghū* of this type could take no part in the governmental activities of the village in which it was located, it had to assume as full responsibilities as the other, native *ijūjgha* in time of war. As many of the new *ijūjgha* considered this an unfair arrangement, they often broke away from the parent *thārfīqth* to found the nuclei of new *thārfīqīn* of their own. All the families in the villages of Bū Zdūr and Marrūwī, and most of those of Thirkuzīn, in Aith 'Abdallāh, are of this type; they are still considered by the locals as foreigners from Aith 'Ammarth, although they banded together long ago to found a new *thārfīqth* of their own, Aith Ḥandu Dāwūd, which has now grown into a *farīqath* or canton.

In the Wuryāghlī sense of being a «whole family», the internal solidarity of the *thārfīqth* is greatly strengthened not only by the kin ties of the native members, but by the fictional relationship of the stranger accretions as well. Thus, while the individual *ijūjgha* of a *thārfīqth* may be small in number of personnel, the *thārfīqth* as a whole can usually supply some fifty men of age to fast during Ramaḍān, therefore being capable of bearing arms in addition. It was the *thārfīqth* and not the *jājghū* which functioned as the unit of vengeance, as the unity of the whole family was an absolute necessity for its continued existence. Although murders within the *thārfīqth* did occur, they were very rare and considered unnatural crimes; the local holy man, *sharīf* or *murābiṭ* was brought around at once to appease the bereaved and to act as moderator, and the offenders were either killed or exiled immediately to prevent a feud from spreading. To date, I know personally of only one case of one man killing another in the same *thārfīqth* (in Tharwa n Muḥammādi 'Alūsh, Aith Yūsuf u 'Alī): he was instantly shot by one of the sons of the dead man, and as he himself had no sons or brothers to carry on the feud, the problem ended then and there. Equilibrium was completely reestablished when the killer married his victim's sister, his own parallel cousin.

Each *thārfīqth*, however, was usually at war with its neighbors. Minor quarrels over ownership of land or of irrigation water could and did lead to blood feuds of such extraordinary savageness that on some occasions they did not stop until one or the other of the participating families was completely wiped out. The smaller the group,

114 and, most important of all, what happened if a murder occurred in a
671 market (a place of peaceful commercial exchange, as Blanco points out)
114 on market day (a day of peace, as Blanco again points out). For the
443 clan market, as Blanco makes very clear, set the tone for the relative
182 autonomy of the clan within the framework of the tribe of which it was part; and this was particularly the case amongst the Aith Waryaghar, a fact which Blanco, once again, did not miss. Hence, in his
114 fine analysis of the 'Qanun of the 'Fraction' of the Aith 'Adhiya'
671 (in LR, pp. 10, 55), Blanco notes, regarding anyone who should commit
● 682 a murder in the market, that "...all the above-mentioned communities of the Bni 'Adhiya shall unite against him and burn his estate and that of his agnates; they shall drag them from their houses and exact from them one thousand duros as a fine".

114 In his comments on the qanuns of the clans of the Aith Khattab,
671 Aith 'Abdallah and Aith 'Adhiya (all of the Aith Waryaghar), Blanco
443 clearly brings out the fact of the market as the "preferential in-
182 stitution", both economic and social, and as the "temple of tribal law", where the clan councillors or imgharen convened in regular weekly meetings (called agraw) to settle disputes. Thus the jural aspect of the traditional Rifian market. Market day, in the Rif, absolutely had to be the one day of peace during the week, for if the market was "broken" through fighting and murder, the cry went up: "Now there is no law!" (Ur iddji shi r-haqq!) And this phrase, as Blanco graphically says, was "repeated in the humble dwellings perched on the mountain slopes; and soon the Rifian mountains returned to their harsh, restless and agitated life, as the bloody phantasmagoria of vengeance reappeared

681 H) Sanctions: Further Notes (fragmentary):

1) Punishment: fine, exile, or death of person responsible, whether an individual or a family group[55].

[671] 2) Gradation: variable, according to stipulations in the various qanuns[56]. Rifian law recognizes the same degree of responsibility in [672] his accomplices as in the man who actually committed the crime, by assimilating them with his kin group[57].

681 613 [591] 3) Victim: receives no indemnity, except through what he or his kinsmen get as their share of the fine, which is equitably distributed among all the representatives of the dharfiqin[58], thus appearing more than anything else as a payment for services rendered; and the dharfiqin heads divided it up in the same way among their constituent nubath[59]. Thus, if the Rifian is encumbered with the responsibility of executive power[60] (all are obliged to stand against an aggressor), he still participates in the benefits of such power in a true popular sovereignty, and he never cedes his rights or duties.

000 4) Role of Jma'th in Application of Custom: to influence matters or conceal them, by money, force or politicking behind the scenes. Agrau or assembly of the aitarba'in; assessors and arbiters (tulba, shurfa and imrabdhen); role of liffs (aid to their liff-mates in payment of fines, etc.) (This subsection is completely fragmentary.)

682 683 In summation, three kinds of offenses were punished:

1) murder and woundings, with corresponding fines, and vengeance;

683 684 2) abuse of women (if voluntary on their part, each party had to pay 50 duros, and if it was purely and simply rape, the guilty man paid 50 duros);

000 does it for him, or to the jma'th if no one does so.

684 f) Anyone who commits an act of bestiality must pay for the fodder of the assaulted animal for one day; and among the Aith Waryaghar, he must pay for its packsaddle as well as a 50-peseta fine, and he is cursed by the market crier in the market[74].....

2) Among the Aith 'Ammarth:

685 a) A blacksmith of....asked the qadi for a room to live in. It was given him, and in it he raised chickens, which began to eat the qadi's barley. The qadi claimed compensation from him, saying that he had to kill the chickens and leave the house. He refused to do so, 685 and made a reclamation to the shaikh, who said he was in the right. 692 Then a member of the qadi's family poisoned all the chickens, and the blacksmith complained to the mqaddim. The jma'th, as a result, met in the mosque and fined the qadi 18 duros, of which the blacksmith received only two or three.

582 b) In the village of Aith Finathen, clan of Aith r-Hasayin, one 'Amar nd-Hajj Sriman, a rich man, married his daughter to Muhammadi n Si Siddiq nd-Hajj Sriman, a poor man and one of his agnates (i.e. his brother's son), in order to keep him as a servant[75]. The young man 682 [619] eventually killed his uncle. The tribal council was convoked, and its members punished the dead man's sons by imposing a 6000-peseta fine on them; and they in turn killed Muhammadi and paid another fine....During 662 his lifetime, 'Amar nd-Hajj Sriman, as well as his five brothers, had 623 on various occasions paid 400 duros to the jma'th to excuse themselves from participation in tribal wars.

661 c) A poor man made a goatherd of one of his younger in-laws,

taken verbatim from an 11th century chronicler, al-Bakri): 1) that most of the present Rifian tribes (of which several, including the Bni Waryaghal, Gzinnaya and Marnisa [the last today Arabic-speaking] are mentioned by name) then occupied more or less the same tribal areas, with respect to each other, that they do today; and 2) that vis-a-vis the members of the Salihid dynasty of Nakur, they were the "barbarians at the gates", ready to help pillage the city at a moment's notice when a strong man appeared from outside, and possibly also backsliding from the new religion of Islam. We thus have evidence that the present Rifian tribes have been in the Rif for at least a millenium, and that their reputation as troublemakers goes back to that time! No archaeological excavations, prehistoric, early historic or Islamic, have been made in the region at all, to date.

5--The paper which Blanco refers to is probably L. Milliot, "Nouveaux Qanuns Kabyles" in Hesperis, 1926; these qanuns were written up by the Kabyles in very bad French, and not in Arabic at all!

6--The Spaniards never had any option of recognizing an "area of custom" in Northern Morocco, because the fact of 'Abd al-Krim's already firm implantation of the Shari'a gave them, in effect, little or no say in the matter. This is a fundamental fact which Blanco continued to overlook.

7--Raqba, literally "neck" in Arabic, "bloodfeud, vengeance" in Kabyle. The proper term in Rifian is r-'adhawth (from Arabic l-'Adawa), literally "hatred", while aminghi (from Berber ngh, "to kill") is "struggle, fight, battle".

7a--Market day in the Rif is, in effect, the most sacred day in the week; the market is a place of peace and commercial transaction, and it is harim; to try to carry on a feud in the market, or to kill or wound a person there is haram. The market was, indeed, so much the only place of peace in the Rif that the fine for murder within its limits was 2000 duros, double that for murder on any of the market roads. These fines were paid by murderers and/or their agnates to the imgharen and split up in more or less equal parts among the tribes or segments of tribes who formed the constituents of the market in question. Whenever a real fight started, the market was considered to have been "broken" (yarraz s-suq) for that day. Everyone attending went home at once, but the following week the market was open for business again.

8--Mkhazni: a soldier of the Moroccan government of Makhzin who is a member of a special unit, the Mkhazniya (today, since independence, Makhzin Mobile, or "Forces Auxiliaires"), and has nothing to do with the regular army.

9--These are both "fighting" words in Rifian: mmis nj-haram, literally "sons of the forbidden", casts grave doubts, in the speaker's mind, about the legitimacy of the ancestry of the person spoken or referred to, while mmis n-dhit, although it might mean "son of the eye" to someone unacquanted with finer shades of meaning in the Rif, means in fact "son of the anus", and as such, it speaks for itself.

000 latter's kinsmen before he can get away. Even in this case, the killer could generally get off if he were able to pay a 2000-duro fine (rhaqq) to the imgharen on the spot, if he was lucky enough to be caught by them and not by his victim's agnates.

[114] [464] [167] 52--Why should the Rifians have been acquainted with the qanuns of the Algerian Kabyles? Granted that Rifian labor migration to Algeria, prior to 1955, was very extensive, it must be remembered that Rifians went to the plains and vineyards of western Algeria (not to Kabylia) to work and send remittances to their families, not to compare notes with their fellow Berbers in Kabylia!

53--This is entirely true, though we know of one case in which, in 1926, after 'Abd al-Krim's defeat, a man from one of the mountain clans of Aith Waryaghar was beaten to death, by order of a lowland qaid from the same tribe, for refusing to hand two rifles in his possession over to the Spaniards.

[171] 54--In the Central Atlas, half ddiyit (blood money to victim's agnates) is paid by a man for shooting at someone else and missing him, but full ddiyit for taking aim and not shooting (E. Gellner, "The Concept of Kinship", Philosophy of Science, vol. 27, no. 2, 1960, pp. 187-204.) In other words, what is punished is the intent to kill, and on this subject Blanco has some interesting remarks to make in the chapter on the qanuns of Dhmasind and of Aith 'Abd Allah in La Ley Rifeña (pp. 41-3, 47, 50). In the Rif, however, this is manifested in a different way under different circumstances: ddiyith is paid to the victim's family, under normal conditions, by the killer, who must also pay rqisas to the victim himself in case of wounding. The amount of the ddiyith is anything up to 1200 duros, while that of the rqisas, depends on the nature of the wound. However, there is no question at all of either ddiyith or rqisas being paid if the intended victim has not been harmed. This is the case if the attempted murder has taken place outside the market; but if it has taken place on market day and within the market (even though there is again an exemption from ddiyith and rqisas) the rhaqq or market fine must be paid in full (2000 duros) to the imgharen, because the would-be assassin is an amsasar (pl. imsasaren) or trouble-maker who has knowingly tried to "break" the market by flouting its regulations.

681 682 696 [613] 55--In case of murder, only the murderer himself went into exile. He did so immediately after the crime, so that he would not be killed in turn by his victim's agnates. Exile meant that he sought refuge, as an adhrib (pl. idhriben), (derived from Arabic talib, "enemy") in the territory of another tribe, whose members sheltered and protected him until such time (if ever) that he could go home. On occasion, as Blanco suggests, whole lineages have been forced into exile; Coon, in Flesh of the Wild Ox (pp. 74-108), gives an example from the Igzinnayen. However, this particular instance was the result of a decree of the Aitharba'in after a long and bitter feud; and as such, it was exceptional. The rule was that only the murderer fled; he was not accompanied by nine of his agnates, as in the Central Atlas (even though these latter returned after three days in order to start making overtures for payment of ddiyit to the dead man's agnates).

681 A murderer in the Rif had to stay in exile until such time as his
682 victim's family would consent to accept bloodmoney, and this generally
696 meant at least one or two years, by which time their desire to kill
[782] him might have cooled down. If they were eventually persuaded to accept this sum, the murderer's own agnates, at home, went to them and, in the presence of a holy man, sacrificed a goat to them. After the goat was eaten, the terms of the ddiyith were discussed and arrived at; and only after it was paid could the murderer return home. Furthermore, if he
682 had committed his crime on a market path or in the market itself, on
443 market day, as aforementioned, he had to pay an entirely different sum
[114] (which Blanco often confuses with the ddiyith), the rhaqq or market fine (called r-insaf in the Eastern Rif), consisting of 1000 duros for murder on a path leading to the market and 2000 duros for a murder or any other offense grave enough to upset the peace of the market, in the market itself. This fine was only levied on market day, and payable to the imgharen of the market. (If a murder was committed away from a market path or from the market on a day other than market day, there was no question of fine-paying, which was instituted purely to keep peace in the suq.) It could be paid in money and/or in kind, and it usually meant that the murderer had to sell the bulk of his property to raise the necessary sum, which he handed over at the same time as he did the ddiyith; but if he could not or would not pay it (and it was a sum which was prohibitively high), the imgharen descended on him in a body and burned his house, trees and fields. In addition, many people re-
682 fused to accept the ddiyith, which meant permanent exile for the mur-
628 derer. The imgharen, however, could not touch his property as long as he was in exile; though he was expected to pay in full if his victim's family relented and let him return. However, a murderer whose opinion of himself was so elevated (and there were many such in the Rif) that he refused to flee, refused to pay the ddiyith to the dead man's agnates and (perhaps worst of all) refused to pay the rhaqq to the imgharen could expect no mercy; he was attacked by the enraged kinsmen of his victim and by the council members whose authority he had flouted, as well--and the feud was on. His own agnates, under these circumstances, if they helped him (as they always did) could also expect to have their own houses and property burnt to cinders.

681 56--There was some variation for minor offenses, but the fines for
682 murder, always with the same careful stipulation of time and place of commission (market path or market on market day) were absolutely standard throughout the Central Rifian area.

[671] 57--There is some disagreement on this question. In the qanun of the
[114] Aith 'Abd Allah, cited by Blanco in La Ley Rifeña (p. 47), it is expressly stated that if two people commit a murder on a path leading to the market, each of them is fined 1000 duros. Our own informants,
[124] however, stated that the number of people participating in a murder is immaterial; what counts is the number of dead, each one of whom is
[628] assessed at either 1000 or 2000 duros, always according to where the murder took place, a head. In the same way, after a feud is over and a truce has been arranged, the number of dead on each side are counted up, and the side with the greater number receives excess ddiyith from

681 the side with the lesser. (This last piece of information comes from
682 some of the lowland clans of the Aith Waryaghar, and the highlanders
[628] of the same tribe deny it.)
000 58--The victim, if he is alive, receives the rqisas, and, if dead, his family gets the ddiyith--if they choose to accept it rather than take up their guns. It is barely possible that in the division of the rhaqq by the imgharen along segmentary lines, the victim's family might receive a tiny fraction of the total, although the chances are strongly against it. The rhaqq almost always goes into the pockets of the imgharen themselves, and when we say that it is divided along segmentary lines, what we mean is that it is the imgharen of each segment and subsegment, rather than the rank-and-file of either, who are the real beneficiaries.

However, this is not really the point, which, in any event, Blanco [682] has missed entirely. The point is that a murderer pays bloodmoney to his victim's agnates and a fine to the council members (the latter only if the murder has taken place in the market or on a track leading to it).

[114] 59--Blanco is theoretically correct in saying that dharfiqin distribute their share of the fine to the nubath making them up (although in practice this almost never occurs, as the money which filters down, through the normal process of division, goes no further than the lineage heads!); but it is surprising that he does not start at the top levels of segmentation, the clans, as the imgharen themselves did, and work down from there (though even at this level the imgharen tended in practice to pocket the fines).

[114] 60--In this term, el poder ejecutivo, once again, we have a formalistic European notion, which, though certainly accurate in one sense, nonetheless ill befits the essential informality of the tribal council members who convened in the market to discuss the week's happenings and to assess, equally informally, any cases which came to them.

61--It may be stated categorically that such Qur'anically-inspired punishments as putting out a thief's eyes were completely unknown in the Rif and in the rest of Berber Morocco.

[839] 62--Though it is probably of frequent occurrence elsewhere, bestiality is not common in the Rif, and those who do practice it are always the [838] object of derision. Furthermore, the Rif is probably one of the few regions of Morocco where homosexuality is nonexistent.

[113] 63--These notes of Blanco's on hunting are extremely fragmentary; for fuller information on Rifian hunting practices, see the final chapter in La Ley Rifeña on the hunting qanun or qanun r-rayah, as well as a recent summary of the same material in R. P. Esteban Ibáñez, "El Derecho Consuetudinario en la Sociedad Bereber", Institut International de Sociologie, XVIIIe Congrès, Nuremberg, 16-17 September 1958 [114] (mimeographed). Our own impression of Blanco's data on hunting is that although very complete, his description is at the same time unnecessarily complex.

64--In the Jbil of the Aith Waryaghar, hunting may take place on any day of the week.

684 554 203 626 74--In the Aith Waryaghar, anyone who indulged in bestiality became the object of extreme derision; and as a market crier himself is a person of very low social standing, this in itself would have rubbed more salt in the wound.

000 75--Marriages with parallel cousins occur, but they are uncommon. In this particular instance, there was a good reason for it, as Blanco points out.

76--These cousins, again as indicated in note 17, were the boy's r-waratha, who could normally have inherited only if the boy's father had either died without issue or if he had left a daughter or daughters only. It is un-Qur'anic enough for the r-waratha to appropriate, as [671] they often try to do, a daughter's share of the inheritance as well as their own, but for them to take over a son's share is expressly forbidden by the Shari'a, and may be regarded, in this instance, as the purest personal aggrandizement.

[114] 77--This should probably read "to one's tribe", as the notion of other tribes hardly enters the picture here. Except under an 'Abd al-Krim, how would it have been, or be, possible for a man of the Igzinnayen, for example, to feel any responsibility for a man from the Aith Waryaghar? This error may be due to a typographical error in the original text.

[682] [114] 78--One could hardly label a sanction of 2000 duros for murder committed in a market as indicative of "lack of repressive organs". It is statements of this kind, which continually crop up, that, in conjunction with numerous factual errors, cast a small but ever-present cloud over Blanco's work, and mark him as an amateur ethnologist.

79--See La Ley Rifeña, pp. 47, 50.

000 FOOTNOTES:

(114) 1--This should no doubt read, "by iziddjifen or imgharen".

2--We have not heard of any instance in which a tribal fine is divided up in this manner. Normally, when a man is fined for murder, for in- (682) stance, the fine is split up into as many equal parts as there are clans in the tribe, after which each clan distributes its share of the fine among its component subclans, and so on down the line.

3--For an excellent and virtually contemporary account of what could happen at an agraw, see Coon, op. cit., 1931, p. 97, and Coon, Flesh of the Wild Ox, New York: Morrow, 1932, pp. 77-83. Coon's account is taken from the Igzinnayen, who pronounce the word ayraw.

(628) 4--This is indeed an excellent example, but Blanco does not say why: (114) because the other Rifian tribes through which Bushta al-Baghdadi's army passed did their own share of pillaging the Ibuqquyen as well--and this was particularly true of the lowlanders of the Aith Waryaghar.

5--The term harka did not exist in the Rif prior to 'Abd al-Krim, and under his aegis the notion it implied reached its fullest flowering, through military (i.e. "regular" Rifian Army, a total of some 2500 men under the command of 'Abd al-Krim's younger brother Si Mhammad n Si 'Abd l-Krim) and ordinary tribal levies sent out to fight, first, the Spaniards on two fronts (east and west) and then the French on one (south). These contingents, both regular and irregular, were organized into groups of twelve, twenty-five, fifty, one hundred and three hundred men (the last mentioned constituting a tabur), each one of which was under a qa'id designated by the number of men under his command--qa'id at-tn'ash (of 12), qa'id l-khamsa w 'ashrin (of 25), qa'id l-khamsin (of 50), qa'id l-Miya (of 100), and qa'id attabur (of a tabur, or 300). However, the idea of the harka had been there previously, even if (177) the organizational refinements set up by 'Abd al-Krim, who modeled them on those of the Sultan's Army, were new.

6--In actual fact, those imgharen already holding office merely became war leaders as well.

(602) 7--This statement does not quite jibe with the notion of conscription, above; but the principle was exactly the same as that of a powerful chief who could count on armed support from numerous lineage-mates and/or fellow clansmen.

8--This comparison is couched by Blanco in the form of a recommendation for the use of native harkas in Spanish service.

(114) 9--This is certainly true of the Targist and the Thafarsith, but not of the Aith Wurishik, who are a fairly powerful tribe in their own right.

10--In the original, todo el mundillo rifeño, which is fully as descriptive, and a good deal less pompous, than "conceptual universe", for example.

616 11--Berber society always seems to be labeled "republican", "democratic",
619 "anarchic", "oligarchic", etc. etc., and as I have remarked in several
642 previous notes, Blanco is a prime offender in this regard. Even though
114

616 619 726 (614) [728] It must be remembered, however, that not every man in a tribe participated in that tribe's wars (though the participants were always remembered long after the non-participants were forgotten), and in some cases--although they were few--whole clans even remained neutral, though hardly aloof. It is, we suspect, to situations like these that Blanco refers when he states that it is possible to have more than two liffs in a given tribe, for the neutrals would generally be instrumental in arranging for a truce. In this sense, then, they could form, in effect, a third liff--those who opted out of war in any case, and who sometimes even buried the dead of the belligerents: the lineage of Ihawtshen, of foreign ancestry (from the Axt Tuzin), living in the clan territory of the Aith Turirth of Aith Waryaghar and greatly scorned by them, is a classic example; and there are others, as well. [563] Warfare was demanded of the majority, but a minority could find safety through humility, as the few Jews living in the Rif were able and 000 expected to do.

[114] [729] 19--Quite true in theory, but in practice he might seek safety in humility, and bury the dead of the combatants, as the Ihautshen did in Aith Turirth.

[114] 20--This at best is dubious, but at the time he wrote these words, Blanco, like all his French counterparts, was entranced and virtually blinded by the liff theories of Montagne, who thought that liff systems were the be-all and end-all of Berber political sociology.

[682] 21--If a murderer, as was generally the case, was not able to pay the full amount of the rhaqq levied upon him by the imgharen, his agnates and, if necessary, his liff-mates were called in to help him out.

616 619 [162] 22--This is certainly true of the Thafarsith; and although the Aith 'Ammarth are a fair-sized tribe, 13246 strong (in 1960), it is bordered in the east and southeast by the two giants of the Rif, the Aith Waryaghar, 75695 in 1960, and the Igzinnayen, 41653 in 1960. The Aith 'Ammarth feuded bitterly among themselves, also (so ferociously, it is said, that each liff had its own market and its own qa'id); and the [614] principles outlined in note 18 apply here very neatly. One of their liffs, consisting of the clans of Aith 'Abbu and Ija'unen, was aided by the neighboring Igzinnayen clan of Asht 'Asim, as well as by another neighboring clan of another tribe, the Aith Hadhifa of the Aith Waryaghar; while the second moiety, consisting of the clans of the Aith S'aid Ikhrif and Aith r-Hasayin, was abetted by another neighbor, the non-Rifian (in this case, "Jbalan") tribe of the Marnisa. Although even the giants of the Aith Waryaghar and the Igzinnayen both respected the fighting ability of the Aith 'Ammarth, the latter were and are too small to try to get away with anything. These neighbors, therefore, they left severely alone, although they regularly trounced their smaller Sanhaja Srir neighbors of the Aith Bshir and Zarqat.

000 23--Blanco's two different classes of liffs, individual and general, are, in effect, my impermanent, shifting and intra-clan type and my permanent, intermittently reactivated and intra-tribal type, as described in note 18.

24--This is a well-taken point, if a somewhat obvious one. Women, in theory, do not fight, but in more than one instance they have been able to strike blows for the men of their liff. A woman's allegiance, in the

671 interest were discussed; in the suq resolutions of more importance were
[443] made by significant individuals, more important than the place which gave them a legal character.

Thus, in order to be valid, agreements and decisions had to conform to the following conditions: 1) agreement of the imgharen[16]; 2) necessity of a witness of exceptional character (a personality of religious significance, known and respected throughout the district); 3) registry by the tulba; and 4) proclamation in the suq. The above seems to be the mechanism of Rifian law.[17]

443 And in the suq a double character may be seen: place of business
671 and temple of law, the latter more important than the former, because
614 if it were the other way around, each clan would have various market sites and not just one, it seems to us; and furthermore, some clans, by virtue of their commercial topography would have been lacking in markets, which is also not the case.[18] Thus we believe, as stated in the first part of this work[19], that there is a correspondence between the clan as a social unit and the suq; in fact, we may go so far as to say that the former was the real fatherland (patria) of the Rifian, his political unit, a small independent republic, the distinctive feature of which was the suq, the temple of Rifian law.

3. INTER-LINEAGE QANUN,[20] SHOWING EXECUTIVE PROCEDURE (AITH WARYAGHAR):

671 A) Qanun:
628
613 Praise be to God.--Copy taken from the text of a document after legalization, extended for the bearer of some.

Praise be to God.--Upon the reciprocal guarantee (Blanco: note 1)
[682] made by Ait 'Aisa, Ait Tzurakhth, Izubu'an, Ait Haddu u Sa'id and

671 Isaghwan[21] with (the) Awlad Siddiq[22], in the Wednesday Market (Suq
628 al-Arba') of Tawrirt, in the presence of their notables (Blanco:
613 note 2), agreeing there (to fulfill what has been pacted among them)
682 that anyone who should kill another by treachery or cunning (Blanco:
note 3) shall pay a great fine, the amount of which (may) be as high
as 4000 duros. This was also agreed to in their Saturday Market
(Suq al-Sabt) in front of the notaries of both parties.

On the betrayal and killing (Blanco: note 4) by the above-mentioned Awlad Siddiq of Shu'aib bin al-Hajj 'Amar, the notables of both the abovementioned markets, accompanied by the rest of the people, went to their villages to look for them, camping there until the latter paid (Blanco: note 6), although they (e.g. the Awlad Siddiq) had agreed to this in their presence and in their abovementioned market (when the agreement took place) with respect to the fine expressed above (Blanco: note 7). Upon not finding any solution which would save them except that of handing over to them all their lands, both in the mountains and in Ait 'Aisa, their houses and their documents (Blanco: note 8), with which they remained free of the pressure which the notables and the rest of the people exercised over them (they opted for surrender).

[792] Then, everything which they handed over was valued at 1300 duros (Blanco: note 9) and after the estimate was made, the notables of both markets, including (Blanco: note 10) the sharif Sidi Ahmad bin Sidi al-Hajj Misa'ud[23], al-Hajj bin al-Hajj Am'awsh al-Tawrirti, 'Allal bin Haddu bin al-Hashimi u l-Fari (of the Axt Tuzin), Haddu bin Muhammad Amzyan al-Bu Khalafi[24], al-Talib al-Bukhmad al-Yunusi, Tuhami bin

671 al-Faqir Siddiq al-'Arusi, Muhammad ibn Tahra, Sidi Musa ibn al-Hajj
628 Sayyid 'Amar Tahtahi, Muhammad bin Bu Hammud Mulaidi; al-Hajj Sidi
613 Misa'ud al-Manduri; Sa'id bin al-Hajj Haddu al-Ufari, Muhammad bin
682 al-Faqir Muhammad bin al-Hajj Ahmad al-Barzi, Muhammad Bu Shu'an, and
[792] the rest of the notables of Tzurakhth (Blanco: note 11) sold all that was handed over to them to the brothers of the murdered man for the above sum, converting it into money.

(Blanco: note 12) The amount stated above was levied and the quantity (literally, price) was divided into four parts: 300 duros for the lineage of Izzugwaghen; the same for the Awlad al-Hajj 'Amar; the same for the Awlad Muhammad bin Muh bin al-Hajj Muhammadi al-Tazurakhti; and 150 duros for the Awlad Ahmad bin Taimunt (to be split) with Muhammad bin Tah, and the same for Muhammad bin Taimunt bin Misa'ud (to be split) with the Awlad Hammu Kabghith. One hundred (100) duros were divided in half between the son of Bukhalif, that is, Siddiq, and [illegible]d al-Qadir Hashsha'.

(Blanco: note 13) Each of the abovementioned parties shall divide with its brothers (i.e. those of the same jurisdiction) the amount which it has exacted and with regard to the quantity of the same.

671 An irrevocable and non-retractable sale, effected (Blanco:
628 note 14) for repression and exemplary punishment. The sellers having
613 levied the total of the abovementioned sum, in the upper part of the
681 present qanun, from the hands of the buyers cited above, thus liberating
432 the sellers from all actions or reclamation regarding this matter and the above-cited buyer thus occupying (the lands) instead of the sellers, as his share. That is to say, occupying the place of the owner in the land, of the land which he buys and that of the owner of immovable

671 Muhammad bin Muhammad; at-Talib Sidi Shu'aib bin al-Faqir Misa'ud;
695 Misa'ud bin Muhammad; Muhammad bin Muhammad al-'Attabi; 'Ali bin
621 al-Faqir Muhammad Azifzaf; Muhammad bin Muhammad of Ait Bu Bakr;
623 Misa'ud bin Muhammad; Sa'id bin 'Azzuz; Muhammad bin Muhammad; Muhammad bin ash-Shaikh 'Ali; and Muhammad bin Muhammad bin 'Ayad Amti; and giving respect to 'Ali bin 'Azzuz bin Muhammad bin 'Azzuz, (recognizing) that he is their shaikh, and, by the same token, the shaikh of the jama'a of Tamasint.

685 (Blanco: paragraph b) At the same time, regarding the orchards
821 and gardens, they agreed that if anyone be detained (while stealing) during the night, (he shall pay a fine of) 10 mithqals, and if he should do so during the day, he shall pay 50 uqiyyas. If he should steal cereals or fruits (literally, "figs"), he shall be punished in the prescribed manner with respect to orchards. If he should steal during the day, he shall pay 50 mithqals in money. If he should die
685 during and because of committing theft, there shall in no case be any indemnity to be paid.

• 682 (Blanco: paragraph c) If anyone should unsheath his dagger (with intent to attack), he shall pay one duro.[38] If he should point his rifle at someone of the aforementioned jama'a, he shall pay 10 mithqals to the shaikh.

685 (Blanco: paragraph d) If (the entrance) of (his) animals, such
672 as goats, cattle, sheep and donkeys, should take place in the cereal (fields) of his neighbor, he shall pay 10 muzunas.

574 (Blanco: paragraph e) If someone should spend the night as a
689 guest in the jama'a of Tamasint, all shall go to where he is staying

671 of knowing the needs of the moment, not past or future needs which do
554 not mean anything to anybody. They are living laws designed for living
623 people, for those present.

671 Paragraph b shows us how they embellish their law, taking aggra-
672 vating and attenuating circumstances into account. Among these are
nocturnity and dwellings (where they guard their fig and grain re-
(682) serves). Attenuating and, even more, exemption from responsibility,
homicide is legitimate if committed in self defense or in defense of
one's property.

681 Paragraph c punishes intention, in order to avoid disputes,
554 and makes a small concession to personal power, permitting the shaikh
661 to keep for himself this fine destined for the common fund.
671

685 Paragraph d is concerned with injuries to crops by animals,
672 which are herded by children. The punishment is minimal.
671

In paragraph e, the law of the jma'th establishes and regulates
671 the social duty of hospitality, imposing the burden equally on all its
623 members. Guests learn that it is not only the shaikh who pays for
574 their upkeep, but all the members of the jma'th, even the poor ones.

623 Consider also the excessive number of voluntary servitors who
574 dance continued attendance on the guest with towels, basins and soap,
and finally the amphitrion hands over to their expectant voracity all
the remains of your meal, except for one small dish which, passing
through the door, is submerged in the mysterious interior of the
dwelling as a reward for the activity of the women or children who
prepared it. When you leave, each member of the jma'th retires with
whatever he presented for your comfort: pillows, blankets, soap, coffee
pot or teapot, towel, glasses, candles, etc.

6. QANUN OF THE AITH 'ABDALLAH[45] (AITH WARYAGHAR)

A) Qanun:

671 443 [778] Praise be to the One God. The will and eternal power of Our Lord having decided thus, the congregation--in the Tuesday Market (Suq ath-Thulatha) (situated) at 'Ain Tihalalin[46], in the vicinity of (the tomb of) the holy emanator of blessings Sidi 'Amran[47]--of its owners, those of the clan of Bani 'Abdallah. (The latter) convened 623 443 692 681 (in the abovementioned market) with the idea of coming to agreement on their criteria and on the purity of their actions in behalf of the common good of all; and, as a consequence, they decided the amount of the fines to be imposed inasmuch as there should occur within the abovementioned market, or, indeed, outside it on the path (which leads to it), (Blanco: note a) incidents, premeditated or not, through error or imprudence, such as woundings and murders (which might happen) through gunshots, knifings, strangulations and stonings, (or, indeed), 682 443 [696] pillaging and sacking. (Blanco: note b) To anyone who kills in the interior of the market and is caught (literally, "had"), rashsha' shall be applied to him (i.e. he shall be shot). If he has not been captured owing to having fled to another tribe (literally, "other tribes"), (they shall impose upon him a fine of) 2000 duros and his house shall be burned down to its foundations. (If he should kill) on the path (which leads to the market) he shall also pay (a fine of) 2000 (duros). Whoever should wound (another), (he shall be fined) 1000 duros. Whoever 683 (shoots) and misses (his target), (he shall pay a fine of) 500 duros.

682 (Blanco: note c) Whoever of the Bani 'Abdallah should commit murder on Tuesday (i.e. on market day, the day of the suq) within the

682 limits of his land (i.e. within the limits of the clan territory of the Bani 'Abdallah) shall pay (a fine of) 2000 duros; (this shall be the fine) if he committed the deed alone; but if several (men) committed
687 it, each one (shall pay a fine of) 2000 duros. Whoever should take
683 justice into his own hands (literally, "ransacking to collect a debt") shall pay 50 duros, and the same for whoever should attack another on
689 the path. Whoever should provoke an incident in the market (shall pay) 10 duros.

683 (Blanco: note d) Whoever should unsheath a dagger, making it glitter, with intent to attack (literally, "injure"), shall pay 5 duros. Whoever should wound the head of another with stones (shall pay) 5 duros. Whoever should attack another with a stick, causing blood to flow and provoking a scandal, (shall pay) 15 duros, and if he should not cause blood to flow, (he shall pay) 10 duros.

613 (Blanco: note e) Whoever should come to the defense of one of
681 his brothers (i.e. agnates) or of any other person, as is customary among those of the same party (i.e. same lineage), (shall pay) 5 duros.

681 (Blanco: note f) No request (for pardon) shall be listened to, nor shall mercy be granted to any of those who have incurred the above (punishments).

805 (Blanco: note g) For the application of what has been made
443 manifest above, it shall be considered that Tuesday begins at dawn and ends with the sunset; this is to apply to them (those of the Bani 'Abdallah) and for strangers (regarding the application of the above), market (day) shall be considered as having a duration of three days.

695 With regard to the above, the testimony (which both 'udul)
693 registered took place, the witnesses being in a perfect state of legal

695 693 capacity (i.e. of sound mind and memory) in order to testify.

(Blanco: note h) If, regarding a murder, there is brought sufficient proof (against the guilty party), the abovementioned fine shall be imposed upon him, and in case sufficient proof does not exist, he shall swear (for acquittal).[48]

805 443 782 (Blanco: note i) Regarding the abovementioned beginning (i.e. on Tuesdays), it is ended at the hour of the 'isha (i.e. at the dinner hour or hour of the sunset prayer). Amen.

805 000 On the sixth day of Ramadan the Magnificent of the year 1335 (June 26, 1917). Servant of his God, may He be exalted, Muhammad al-Ghalbzuri, may God be benevolent toward him, amen. (Signature). Servant of his God, "Abd as-Salam bin al-Hajj Muhammadi al-Ghalbzuri, may God be benevolent toward him. (Signature).

671 692 693 000 Legalization by the qadi. Praise be to the One God. (Both 'udul) have put down its contents, which are accepted and to which I give faith. Servant of his God, Muhammad bin 'Umar at-Tuzani, may God be benevolent toward him, amen. (Signature).

B) Commentary:

671 This qanun manifests in a clear way how social law is made among Rifians: where the legislators gathered to agree on it, how it was made public, whom it obligated, the jurisdiction in which it was exercised, the objective sought and the means of attaining it.

It enumerates the crimes and their sanctions, it distinguishes perpetrators and accomplices, provokers and auxiliaries, natives and 000 stranger. It eschews pardon, it demands proof and it shows the reality of the social unit, the "fraction" (author's italics--the translator

A, [See p.306-- Analyst]

671 This proves
182 that Rifian law tended to satisfy a need and not an ideal, as we have
443 just said; for further on, the qanun of the Aith 'Abdallah points out
796 a truce to be held on a given day, on Tuesday, the market day, and not on Friday, the religious day and the day of attendance at the noon prayer in the mosque. The day of peace is thus a layman's day.....

671 The law is simple. And hard. And sufficient to be encrusted with obligatory relief in the most refractory cranium of a believer, an objective impossible to obtain among modern societies. Nobody pretended ignorance, as all are wont to do or swear today.

There are neither aggravators nor attenuators, only consummate (and consummated) acts.

Paragraph a: They discount intentions, so difficult to prove
[681] and needing so much patience to investigate. They attain results more easy to prove and more quick to sanction (i.e. castigate) and be sanctioned, in conformance with their rudimentary law.

671 Paragraph b: A hard punishment; the liquidation of the mur-
● 682 derer, with the loophole that after his flight, the law may fatten on him. But it does not give a heavy punishment to his agnates, although it avoids impunity. It does not cease to be more humanitariar than other analogous qanuns, if indeed this custom is followed in reality.
[681] The gradation of fines is simple and even attempted murder is penalized.

671 Paragraph c: A typical example of the fact that Rifian law is only concerned with the external manifestation of the crime.

[681] Paragraph d: And so that the gradation of the punishment follows that manifestation as a shadow does a body, from the time that it is initiated.

671 component lineage groups, for the practices of such groups tend to
614 disintegrate them through the violent opposition of the individual
613 interests of their members. The clan officiates as a soothing in-
182 fluence on the disorderly appetites of the lineages, patrilineally and patrilaterally united by the strong tie of blood.[51]

671 7. QANUN OF THE AITH 'ADHIYA[52] (AITH WARYAGHAR)
693 A) Qanun:
695 Copy.--Praise be to God. In the presence of both the under-
623 signed notaries, all those of Bani 'Adhiya (properly, Bani 'Aziya)
621 made testimony, both adults and minors (author's italics) who consti-
782 tute the jama'as of the Ait Tazurakht, Ait ar-Rabda, Ait Kharbush, Ait Mnudh, Ait Ajdir, Ait (illegible)[53], Ait Ighmiren and Ait Fars, that they, when they went together to the tomb of the saint Sidi al-Hajj 'Umar, in ar-Rabda, sacrificed two bulls as an offering to him[54], (on the occasion of which) an act of reconciliation took place between them, with respect to murder, theft, pillage and other acts of this
682 kind. In case any of them should kill another, then all the above-
613 mentioned villages of the Bani 'Adhiya shall unite against him and burn his estate and that of his brothers (i.e. agnates); they shall drag them from their houses and exact from them a fine of 1000 duros.
682 This (shall be the case) if he should have killed outside the market[55]
443 or without witnesses (literally, "without a meeting"). In case he should kill someone in the market or in front of witnesses, then the procedure shall be as stated above, all uniting against him, burning his estate and that of his brothers (i.e. agnates), and taking from them, as a punishment against him, a fine of 2000 duros.[56]

671
628 1000 duros[60]; for the double amount of 2000 duros which appears in
681 certain ganuns refers only to a single case and to the place in which
184
443 the crime is committed--the suq, or tribal market.

In this single case the 2000-duro fine is imposed, and the
681
619 reason is simple: the crime in these conditions and in this place
443 reaches out to attack not only the prestige of the tribe but the common interests of Rifian society, and endangers them gravely; for, naturally, when news of the crime is spread by the regular constituents of the market, this keeps away the merchants from other places who have received word. This, in turn, brings about a commercial blockade (author's italics) of the tribe, which originates from insecurity of persons and property; for rare is the occasion that the tumult which murder and woundings bring about does not end up in pillage.

681 For this reason the Rifians saw themselves obliged to cut down rigorously and to threaten with heavy sanctions any crimes of this magnitude and kind, the gravest in the society. The ddiyith[61] is
681
628 therefore doubled in this case. We have here the reason, distinctly
682 made, why, in my opinion 1000 duros must be established as the fine
614 for homicide (a sanction which the clans of the Aith 'Abdallah and the
619 Aith Bu 'Ayyash both establish and which we encounter in the ribat, or
443 agreement, which allied such tribes as the Sanhajans of the Aith
613 Siddath to the Aith Khannus, and the Bni Gmil to the Bni Bu Frah), and a further 1000 duros for homicide committed in the market; for the damage and disturbance affect not only a single lineage, but are prejudicial and shameful to the whole tribe, which by virtue of the laws of reprisal and blood-vengeance must fatten on any man who forgot his duties or obligations to it.

5: Blanco Izaga G-4,5 (1914-1945) 1975 MX3 Rif MX3
Aith Waryaghar

682 For example: whoever, in the market, should attack (someone)
443 and should kill him shall be fined 500 duros[69], and if, in attacking
he should miss him (i.e. if the bullet should fail to reach its mark),
685 he shall pay 200 duros. Whoever should take justice into his own hands
443 on the path to the market shall be fined 50 duros and shall return what-
ever object he made off with. Of those who should incite riots with
689 shouts and gunshots, as (happened) to the people of Tafrast, Ait Musa
w 'Amar (both in the clan of the Aith 'Ari) and to the people of Ajdir
(in the clan of the Aith Yusif w-'Ari), each one shall pay with his
689 death (literally, "with his neck"), that is, he must be shot. Whoever
443 should be discovered in the Monday Women's Market (Suq ath-Thnain n
562 Timgharin, at Azghar) shall be forced to pay 10 duros.

671 This is what has been decided (for fulfillment) of justice in
443 the above-mentioned market. May God, for the common good, put into
agreement His ideas and the criteria of His lords (of the market).
689 Punishment shall seek out anyone who should wish to provoke riots--
may God in His power make him meet his end.

000 The abovementioned shuyukh have worked with good intent, with
the idea of being useful. May God cause the miracles of the saints
to be manifested, and of the saint of the tomb situated in front of the
market (i.e. that of Sidi Bu 'Afif).

Each of the abovementioned shuyukh designated among his brothers
(i.e. among the men in his jurisdiction) those faithful to him (i.e.
those who constituted his escort and supported his decisions), as for
example: the Shaikh Murabit Muhammad Ashahbar designated among them
the Murabit bin Muhammad bin 'Abdallah Bu 'Azza; the Murabit Hammu bin
al-Hajj Muhammad w al-Qadi; 'Umar bin al-Hajj Tuhami Adardush; Muhammad

181
167 They were too good and honorable to see themselves die out, with no fear other than that of the market announcement and without guards of any sort, on a most miserable land, which their way of life made habitable only through emigration[92] and epidemics taking care of the surplus population.

Clearly, bound to necessity, it incited the envy of more than one individual, considering the very slight severity of the punishment, the possibility of concealing the offense and the difficulty of proof, for which reason the people took refuge in traveling to places unknown to them on days which were not market days, without taking natural precautions.

671
685 The qanun of the Aith Siddat shows us, in notation (c), the offense of house-breaking, with a concise and admirable clarity; it recognizes for the owner of the house the right of violent opposition, a previous guarantee to the society that neither a difference of opinion nor known resentment shall mediate between them.

671
682 By the same token, notation (b) indicates and punishes the accomplice with the same penalty in offenses in which blood is drawn as does notation (k) with 50 mithqals in the rest of the cases.

And finally, in notation (d), the right of legitimate defense is established without the slightest doubt.

671
562 If in each one of the qanuns in this volume it is easy to discover its characteristics and, knowing the region, to find out what each one conceals, to explain what it says and the reasons which it gives for doing so, we must point out, in the present qanun, the interest which the Aith Siddat maintained in enforcing public respect

92--The reference here is primarily to Rifian labor migration in Algeria.

614 648 in the tribal political organization and entangle it badly, a tribe which up to now appears to be the least clear or tangible of all those studied and known so far.[105]

687 [671] [829] As European states do, this document imposes a public duty upon the natives of the territory, for they must defend their tribal lands with their weapons in their hands; and it even includes punishment for anyone who shrinks from staying in the danger zone. While, [682] [443] however, among Europeans such a punishment is moderate, we see that among Rifians, by the importance of the fine (2000 duros) the penalty is as high as that for murder (i.e. in the market), for this amount is equal to that stipulated as ddiyith[106] in two qanuns already examined, that of Aith 'Abdallah and that of Aith 'Adhiya.

Thus, then, an offense against patriotism constitutes a crime in itself, and it is sanctioned analogously upon the coward and deserter as homicide is upon the murderer.

577 574 671 This may explain the virtues, such as courage and hospitality which we have so frequently seen attributed to the Rifians; for it was precisely their clear-cut laws and rude (i.e. rough and ready) custom which urged them on, stimulated them (see the qanun of the jma'th of Thamasind for hospitality) and which perforce they practiced.[107]

671 701 [702] 11. A QANUN OF HARKA--AITH WARYAGHAR:

It is obligatory for all the qa'ids and members of a harka that each one of them must present himself in fixed turns, which each one must take without losing a day. Whoever does not obey this order, except in the following cases, such as illness[108], and nobody may go on leave during his turn without authorization from the kabir al-mahalla.[109]

000 53--This is probably Aith Tizi, forming a part of the larger jma'th of Ighmiren, with Aith Fars.

54--Whether all the Aith 'Adhiya jointly sacrificed two bulls, or whether one each was sacrificed by the members of each liff is not indicated.

55--The market in question is the Monday Market of Aith Bu 'Ayyash.

[671] 56--In both this qanun and that of the Aith 'Abdallah we see how the fine for murder committed in the market is double that for murder elsewhere. Both qanuns also imply that not only must the fine be paid but that the murderer's house and crops will be burned as well. All informants from all over the Central Rif, however, said time and again that if the fine is paid, there is no houseburning. The root of the [735] discrepancy seems therefore to be an implicit assumption that the average murderer is too poor to pay the fine, which is in any event prohibitively high.

57--In some respects one can see what Blanco means here, but such a statement, particularly regarding the "superficiality" of Rifian Islam, is one which the Rifians themselves would hotly and vehemently deny. In their own eyes, they are extremely good Muslims!

[262] 58--Rifians tend to eat meat, as a rule, only on one day of the week: when they buy and bring it home from the market.

[114] [682] 59--Blanco here confuses the ddiyith, or blood money, to be paid to the victim's agnates, with the rhaqq, or fine for murder, to be paid (both payments being made by the murderer and his own agnates) to the council-members.

[682] 60--Blanco's point about 1000 duros being the fine for murder under normal circumstances (i.e. outside the market) and 2000 for murder inside it is very well taken; and, as he implies, these sums are indeed the norm all over the Rif. But once again, he confuses fines with blood-money, and they are entirely different.

61--Again, read rhaqq or fine.

62--Again, read rhaqq or fine.

[114] 63--This is an interestingly expressed idea, but the linkage with nomadism seems questionable.

[614] 64--As already indicated, the Aith Khattab include the two Waryaghar clans of the Aith Yusif w 'Ari and Aith 'Ari; and in this sense they might be considered a "super-clan", particularly if, as some have it (though this is nowhere indicated in the text of the qanun), they embrace the Aith 'Abdallah as well. In the same way, Aith Bu 'Ayyash, if it embraces, on the topmost level, the two clans of the Aith Bu 'Ayyash and Aith Hadhifa, may also be regarded as a "super-clan" of the same order of segmentation. However, the group in question is referred to as Bani Khattab, not Aith Khattab, in the text of the qanun.

65--As indicated, this qanun is valid only for the coastal Aith Khattab, those of both Aith Yusif w 'Ari and Aith 'Ari who live in and around the Plain of Alhucemas, bordering the Mediterranean.

7: Mikesell K-4,5 (1955-1957) 1961 MX3 Rif MX3

a tower used as a lookout and blockhouse.[9] Conflict was most serious in the Rif, where it was necessary to establish a system of women's markets so that the members of feuding cantons or tribes could carry on a rudimentary trade. Another indication of the varying degrees of dissidence is the scale of fines imposed by customary law. The fine imposed for murder by the Aith Wariyaghar was four times as large as the fine for the same crime among the more pacific Sanhajan tribes.[10] In the laws of the Aith Seddath there is no mention of house-burning, a frequent occurrence in the Rif.

In the days before the European occupation the division between government and dissidence coincided with a division between authoritarian order and representative councils. This division might be described also as a contrast between Arab and Berber systems of government. The Berber system was based upon superimposed councils. The smallest was the council of a village or a number of scattered farmsteads. The second council, called the "council of the great," had jurisdiction over a canton. At least one and sometimes all members of the second council participated in the deliberations of a tribal council. The system was democratic, with rotation of authority; thus no one could gain excessive power. The Arab system was and is quite different, for authority rests with individuals, from the *qaid* who rules the tribe to the *shaikh* or *muqaddam* who rules the village or hamlet.

Of the many ceremonies that influence an individual's life, marriage is by far the most important. Here again there are marked differences from one area to another. In the Rif the wedding celebration lasts seven days; on the first four days, private feasts are held for the families involved; on the last three days, guests are invited to the feasts. In Jbala, Ghmara, and most of Sanhaja as-Srair the wedding celebration lasts only three nights. Other differences appear in the entertainment offered to the guests and the complicated rules that govern the behavior of the bride and groom.[11]

The other crises in the life of an individual—naming, the first haircut, and circumcision—vary correspondingly, as do the procedures related to death and burial. When a corpse is ready for burial in the Rif, it is carried on the door of the local mosque, and virtually the whole community turns out for the procession and funeral. In the Arabized sector of northern Morocco the body is usually carried by paid pallbearers, and only the immediate family may attend the burial. Among the Aith Bu Yihyi and Ulad Stut it is standard practice to carry the dead to the burial place on the back of a donkey or mule.[12]

The number of material traits that can be used as a basis for cultural differentiation is almost unlimited. Containers of skin and iron in Garet contrast with pottery in the Rif, and wooden vessels in Sanhaja as-Srair. Even within the Rif one may distinguish the handmade pottery in Igzinnayen, Aith Ammarth,

[9] Most of the towers were removed in 1922 by order of Abd al-Krim. D. M. Hart, "An Ethnographic Survey of the Riffian Tribe of Aith Wuryaghil," *Tamuda*, Revista de Investigaciones Marroquíes, 2 (1954), 38.

[10] For further information on customary law in the Rif, see E. Blanco Izaga, *El Rif: la ley rifeña* (Ceuta: Imprenta Imperio, 1939), pp. 71–75.

[11] Edward Westermarck, *Marriage Ceremonies in Morocco* (London: Macmillan and Co., Ltd., 1914).

[12] C. S. Coon, "Tribes of the Rif," *Harvard African Studies*, 9 (1931), 143–145.

[TEXT CONTINUED ON PAGE 9 1